

Nathan Ochsner, Clerk

Court] then faced the question of how to remedy it. [The Supreme Court] acknowledged three options” in *Siegel*, but ultimately did not resolve the question. *Off. of U.S. Trustee v. John Q. Hammons Fall 2006, LLC*, 144 S.Ct. 1588, 1594 (2024). Those three options were: (i) refund the fees for the overcharged debtors; (ii) retroactively extract higher fees from the comparatively undercharged debtors; and (iii) require only prospective fee parity. *See Siegel*, 596 U.S. at 480.

The parties filed cross-motions for summary judgment, with each side arguing what would be the appropriate remedy for the constitutional violation found in *Siegel*. Plaintiff Tavakoli argued for a refund, ECF No. 40 at 6, whereas Defendants Twomey and Epstein argued for prospective relief as provided for by subsequent Congressional action. ECF No. 39-1 at 26.

On September 29, 2023, the Supreme Court granted certiorari in *Office of the U.S. Trustee v. John Q. Hammons Fall 2006 LLC* to answer *Siegel*’s remedy question. The Court stayed this adversary proceeding pending the Supreme Court’s decision in *Hammons*. ECF No. 47.

On June 14, 2024, the Supreme Court issued its decision. It determined: “the appropriate remedy is prospective parity. Requiring equal fees for otherwise identical Chapter 11 debtors going forward comports with congressional intent, corrects the constitutional wrong, and complies with due process.” *Hammons*, 144 S. Ct. at 1592.

Summary judgment is denied for Tavakoli. The Supreme Court has ruled against the relief he seeks. Summary judgment is granted in favor of Defendants Twomey and Epstein.

A separate order will be entered.

SIGNED 08/23/2024

  
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Marvin Isgur  
United States Bankruptcy Judge